



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0211697320 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DAVID SCHISCHA Hearing Date: 06/17/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0211697320	Dismissed	04/28/2025	47 Street and Utrecht Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On June 17, 2025, a telephonic hearing was held with respect to the instant matter, alleging a violation of Admin. Code 19-190(B). Petitioner, the New York City Police Department, did not appear. Respondent, via attorney Michael Nacmias, waived the appearance of an interpreter and elected to proceed without the issuing officer present.

Respondent requests dismissal for two reasons: (1) there is no affidavit of service, and therefore, service was inadequate and (2) the allegations fail to make out a prima facie violation of Admin Code 19-190 since there is no factual allegation that there was physical injury.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See NYC v. M & G General Construction, Appeal No. 1200063 (May 31, 2012); reaffirmed in NYPD v. Doe, Appeal No.1800218 (May 17, 2018).

I credit Mr. Nacmias' arguments and find that the summons is defective since there are zero factual allegations detailing the physical injury under Admin. Code 19-190(B). Moreover, I find that the Affidavit of Service is blank and there was no evidence presented to show that the respondent was properly served with the summons. See NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020).

Accordingly, the instant summons is dismissed.

	
06/17/2025	06/17/2025
Raymond Queliz, Hearing Officer	Date